

	Page 1	Page 3
1	UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA	1
2	THIRD DIVISION	2
3	Charles Everett Cook, et. al.,	3
4	No. 06-579 DWF/AJB	4
5	Plaintiffs,	5
6	vs.	6
7	City of Minneapolis, et al.,	7
8	Defendants.	BY MS. NELSON:
9		8
10		Q. Can you please state your name for the
11		9 record?
12		10 A. Timothy, middle initial is B, Cook.
13		11 Q. Mr. Cook, I'm an Assistant City Attorney for
14		12 the City of Minneapolis, --
15		13 A. Uh-huh.
16		14 Q. -- and I'm an attorney who represents the
17		15 City of Minneapolis, the City that you've sued in
18	The deposition of TIMOTHY B. COOK, taken	16 State Court. Have you ever sat for a --
19	pursuant to Notice of Taking Deposition, before	17 MS. SULLIVAN: Federal Court.
20	Barbara A. Larsien, a Notary Public in and for the	18 BY MS. NELSON:
21	County of Hennepin, State of Minnesota, taken on the	19 Q. -- excuse me, Federal Court, have you ever
22	5th day of March, 2007, at 333 South Seventh Street,	20 sat for a deposition before?
23	Suite 300, Minneapolis, Minnesota, commencing at	21 A. No.
24	approximately 9:10 a.m.	22 Q. I'm going to ask that if you don't
25		23 understand a question that you let me know because
		24 otherwise I'll assume that you understand it. Also,
		25 the court reporter here needs to take down every word
	Page 2	Page 4
1	APPEARANCES:	1 that we say, so if you say "Uh-huh," "Huh-uh," stuff
2		2 like that, she won't be able to make a clear record
3	ALBERT T. GOINS, SR., ESQUIRE, of the GOINS	3 with it, also nodding of the head yes and no, she
4	LAW OFFICE, LTD., 301 Fourth Avenue South, 378 Grain	4 would not be able to make a clear record of. Also I
5	Exchange Building, Minneapolis, Minnesota 55415,	5 will try very hard not to interrupt you and I would
6	appeared for and on behalf of the plaintiffs.	6 ask that you please do the same, even if you know the
7		7 question I'm going to ask, please wait until I'm
8	MAYA C. SULLIVAN, ESQUIRE of the LAW OFFICES	8 finished.
9	OF MAYA C. SULLIVAN, L.L.C., 941 Hillwind Road	9 A. I'll try.
10	Northeast, Suite 200, Minneapolis, Minnesota 55432,	10 Q. Okay and I think that's it. I have to ask,
11	appeared for and on behalf of the plaintiffs.	11 are you under the influence of any drug, or alcohol,
12		12 or anything that might affect your testimony, your
13	TRACEY NELSON, ASSISTANT CITY ATTORNEY, CITY	13 ability to recall the events that brought us here
14	OF MINNEAPOLIS, 333 south Seventh Street, Suite 300,	14 today?
15	Minneapolis, Minnesota 55402, appeared for and on	15 A. No.
16	behalf of the defendants.	16 Q. Have you reviewed any documents in
17	The original is in the possession of	17 anticipation of your testimony today?
18	Attorney Tracey Nelson.	18 A. No.
19		19 Q. Have you talked to anyone other than your
20	INDEX	20 attorney about your deposition today?
21	TIMOTHY B. COOK:	21 A. No.
22	Cross-examination by Ms. Nelson	22 Q. Mr. Cook, where do you currently live?
23	Page 3	23 A. 3845 Second Avenue South.
24	Cross-examination by Ms. Sullivan	24 Q. How long have you lived there?
25	Page 53	25 A. A little over 35 -- 37 years.
24	Recross-examination by Ms. Nelson	
25	Page 64	
25	Recross-examination by Ms. Sullivan	
	Page87	

Page 9	Page 11
1 Q. How many nieces do you have?	1 Q. Have you ever had an accident that resulted
2 A. Oh, my God, I can't keep track of them.	2 in an injury?
3 MS. SULLIVAN: That would require some	3 A. That's two questions actually. I've had an
4 counting there.	4 accident, never been injured.
5 BY MS. NELSON:	5 Q. All right. What was the accident?
6 Q. Approximately?	6 A. I got into a car crash with a -- with my
7 MS. SULLIVAN: A clarification, Tracey,	7 brand new car, Thunderbird, with my sister, Beth.
8 are you asking for just nieces, or he also has great	8 Q. Were you driving?
9 nieces. So like the nieces would have children, --	9 A. I was driving, yes.
10 MS. NELSON: Okay.	10 Q. Do you know what caused the accident?
11 MS. SULLIVAN: So are you asking --	11 A. Somebody hit me and then drove off.
12 BY MS. NELSON:	12 Q. Going now to the incident, in the 24 hours
13 Q. Why don't we start with are you an only	13 before the incident had you had anything to drink or
14 child?	14 used any drugs?
15 A. No.	15 A. No.
16 Q. How many siblings do you have?	16 Q. Prescription or otherwise?
17 A. There's six of us altogether.	17 A. No, --
18 Q. And do any of your siblings have children?	18 Q. Okay.
19 A. Yes.	19 A. -- I don't take any drugs whatsoever. In
20 Q. Who has children?	20 fact, I've had my appendix out and I refused to take
21 A. Let's see, my sister Patricia.	21 Percocet.
22 Q. How many children does she have?	22 Q. In the 24 hours before the incident did you
23 A. I don't know. I don't see them all that	23 have any illness, or injury, or fatigue?
24 often. I really don't keep track. We make a running	24 A. No.
25 joke that there's one every year. Is it five?	25 Q. In the evening of January 13th, 2005, did
Page 10	Page 12
1 MS. SULLIVAN: One of them passed away.	1 you have occasion to encounter any Minneapolis police
2 A. Yeah.	2 officers?
3 MS. SULLIVAN: You can approximate.	3 A. Yes.
4 A. I'd say five.	4 Q. Where was that at?
5 BY MS. NELSON:	5 A. At my home at 3845.
6 Q. And then who else has children?	6 Q. What time of day or night was that?
7 A. My brother Terry.	7 A. It would have been evening. The exact time,
8 Q. How many children does Terry have?	8 I'm not aware of, at the time I wasn't looking at a
9 A. I believe he has two.	9 clock. I would say it was probably maybe close to
10 Q. Okay.	10 10:00 or after 10:00, I couldn't actually give an
11 A. Beth has one. My brother, Junior, I haven't	11 exact time.
12 seen since I was very young. I don't know where he	12 Q. And what happened when they?
13 lives, we haven't seen him, I don't know if he has any	13 A. You -- I heard -- I was in the basement
14 children or not. I already said Beth. Patricia,	14 working on my computer. I heard a noise upstairs. I
15 Beth, Anita has, I believe, she has four, one of them	15 assumed there was an argument with Cortez or
16 has actually passed away.	16 something, I didn't know. I came upstairs. Somebody
17 Q. And how many of your nieces or nephews have	17 said that the police were breaking into the house. I
18 children?	18 immediately got to the top of the stairs, which is
19 A. That's a hard question too.	19 next to the kitchen. I stopped. I was immediately
20 Q. If you can't answer --	20 grabbed. I was forced through the door to the side,
21 A. I can't answer, I don't keep track of all of	21 which is right to the stairs.
22 them.	22 Q. Okay, let me stop you and go back and ask a
23 Q. Okay.	23 couple questions. Why did you assume that there would
24 A. All I do is buy Christmas presents and let	24 be an argument involving Cortez?
25 them write the names in.	25 A. Cortez on one or more occasion has taken

	Page 17	Page 19
1 back. They didn't handcuff me, they used some kind of 2 straps to strap my hands behind my back. They told me 3 to lay down in front of the front door, which was -- 4 which they had eventually wound up closing with me on 5 the ground on the floor. I was still at this time 6 requesting and yelling to speak to their field 7 sergeant. They then put a coat or something over my 8 head while I was laying on the ground, which I 9 eventually managed to shake off.	1 you saw? 2 A. I think at that particular time there was, 3 its been a long time again, I think it was three. 4 Q. Okay and how many -- 5 A. It might have been actually four. 6 Q. -- how many adults were present in the room? 7 A. Me, my mother, my father, Tameka, and if, I 8 think, Jaquita was also there. 9 Q. Who are Tameka and Jaquita? 10 A. They are my nieces. 11 Q. Whose children were they? 12 A. Tameka's, Jaquita's and Anita's, so one of 13 my sister's, Anita. 14 Q. Was Anita there too then? 15 A. No. 16 Q. Where were they in the room? 17 A. We were -- they were all in the living room 18 when I was brought in. 19 Q. And -- 20 A. I think they kept everybody in the living 21 room except for -- I don't remember if Jamon was there 22 or not. I know Cortez was upstairs, he had a broken 23 leg, so he was upstairs.	
10 At one point in time I was brought back up 11 to my knees for which my mother was still actually 12 talking to them about my father and the kids, that 13 they were scaring the kids, that my father, they 14 needed to, I think his hands were behind his back, and 15 she was trying to inform them about the shunt in his 16 arm. The one officer, who had knelt down, had -- was 17 speaking to my dad to tell him why they were there, 18 that they had a search warrant.	24 Q. Okay. 25 A. They kept him upstairs, because I never saw	
19 I was actually, at that particular time when 20 they mentioned the search warrant, I had asked to see 21 the search warrant, since we had not seen it, which I 22 had asked several times during this course to do so. 23 One of the officers had then come up in front of me 24 and told me that I was not a resident of the house, 25 the owner of the house, and therefore, he didn't have		
Page 18	1 to show me a search warrant. This was a large 2 Minneapolis police officer who actually didn't have a 3 hood on his head at this particular time, gray hair, 4 heavyset gentleman. I told him that I lived in the 5 house, that by that simple fact alone, I had the right 6 to see the search warrant. He was arguing with me 7 about the only person he needed to show it to was my 8 father since he owned the house. I was then giving 9 instructions to my dad about telling them that I'm 10 your proxy or I'm your power of attorney and that I 11 had the right to see the search warrant, if that's 12 what they wanted. At this particular time somebody 13 was actually grabbing my hair, I don't cut my hair in 14 the wintertime. I do a lot of walking outside so I 15 need the extra fur. (Indicating.)	Page 20
16 Q. Can we just stop for one second and kind of 17 go back over some ground we've just covered?	1 him. 2 Q. The adults and children, were they sitting, 3 were they standing, were they laying down? 4 A. My father was in the living room.	
18 A. Yes. 19 Q. Okay, you said that the kids were not 20 dressed, what were they wearing?	5 Q. And was he sitting, standing, laying down? 6 A. He was sitting in the chair, the -- his, I 7 call it his command chair, in the living room. He was 8 handcuffed.	
21 A. I wasn't actually paying attention to that. 22 Usually what they're wearing is onesies, sometime 23 T-shirts and little pajama pants, or something like 24 that. 25 Q. How many kids were present in the room that	9 Q. Was he handcuffed in front or in back? 10 A. In back. My mother had told them to get him 11 a blanket, along with trying to get the kids also 12 blankets. 13 Q. Did anyone get them blankets? 14 A. I think eventually my father got a blanket. 15 My mother, actually they were threatening that she was 16 going to get shot if she didn't actually shut up and 17 be quiet and not move. She finally had told them that 18 they could shoot her, because she was going to get a 19 blanket for her husband and kids. 20 Q. Was she sitting, standing, kneeling, laying 21 down? 22 A. Actually she, at that time, I think she was 23 actually getting up from the -- one of the chairs in 24 the living room, I don't remember which one. 25 Q. Was she handcuffed?	

<p style="text-align: right;">Page 25</p> <p>1 you're expecting us to show you some kind of respect."</p> <p>2 At this particular time my head was being pulled by my</p> <p>3 hair.</p> <p>4 Q. Who was pulling?</p> <p>5 A. The only -- I can assume was a -- there were</p> <p>6 -- there was a female officer behind me.</p> <p>7 Q. Okay.</p> <p>8 A. After that comment, they put me back on the</p> <p>9 floor in front of the door. They proceeded to go in</p> <p>10 and out of the door, stepping on my back and head.</p> <p>11 Q. How many times do you think they stepped on</p> <p>12 your back and head?</p> <p>13 A. More than 20, if I had to guess. They were</p> <p>14 also opening the door, because they had to close the</p> <p>15 door, because my mother was making comments about</p> <p>16 being cold in the house and the kids and my father.</p> <p>17 They were hitting me in the head with the door, which</p> <p>18 I also mentioned about. I continued at that</p> <p>19 particular time to be asking to see the search</p> <p>20 warrant, which I hadn't seen, and to speak to the</p> <p>21 field sergeant. At this particular time they told me</p> <p>22 that I wasn't shutting up, a few more choice words,</p> <p>23 and they escorted me outside to the squad car.</p> <p>24 Q. Okay, hold on, while you're in the house</p> <p>25 before they take you out, what are the children and</p>	<p style="text-align: right;">Page 27</p> <p>1 to the squad car?</p> <p>2 A. Again I would have to estimate, because I</p> <p>3 didn't have a watch, wasn't looking at a clock, I</p> <p>4 would say 15-20 minutes, maybe. It had to be less</p> <p>5 than 20 minutes, no more than 20 minutes, I would say.</p> <p>6 Q. Is there anything else that you remember</p> <p>7 them saying to you, the police officers, saying to you</p> <p>8 while you were in the house?</p> <p>9 A. Other than the profanity and the push of the</p> <p>10 forehead with the finger and told about the bullet.</p> <p>11 There were a number of things that they actually said,</p> <p>12 I wasn't actually listening or paying attention to</p> <p>13 them, it was mostly profanity throughout the house.</p> <p>14 Basically they just wanted me out of the house because</p> <p>15 I was telling my father about being able to see the</p> <p>16 search warrant and where they could actually search.</p> <p>17 When I was in the squad car, I noticed that they were</p> <p>18 actually searching a car out in front of the house</p> <p>19 that wasn't even our car.</p> <p>20 After that, they -- two officers just came</p> <p>21 in, they -- I asked them why was I being arrested.</p> <p>22 They told me they wouldn't tell me. Finally, when I</p> <p>23 got to the jail they told me I was being arrested for</p> <p>24 interference of judicial process, I think it was. I</p> <p>25 was also told that when I got out of the squad car,</p>
<p style="text-align: right;">Page 26</p> <p>1 adults of your family doing?</p> <p>2 A. Actually, I couldn't see because I was still</p> <p>3 being stepped on at this particular time and -- at the</p> <p>4 door. I could only hear what was actually going on.</p> <p>5 Q. What did you hear?</p> <p>6 A. I heard stomping, I heard my mother talking</p> <p>7 to them about, they didn't have to tear up the house.</p> <p>8 My dad telling them that they didn't need to break</p> <p>9 into the house, that they had been here before and</p> <p>10 they have -- he's let them in the house. He didn't</p> <p>11 know why they were actually doing this. There was a</p> <p>12 lot of confusion with the kids crying. And, again,</p> <p>13 that's mostly what I remember after that particular</p> <p>14 point because I was then taken out of the house.</p> <p>15 Q. What happened when you were taken out of the</p> <p>16 house?</p> <p>17 A. I was put into a squad car and forced to</p> <p>18 listen to country music.</p> <p>19 Q. How long were you in the squad car?</p> <p>20 A. I couldn't tell you. I couldn't see my</p> <p>21 watch, because they were behind my back. I would say,</p> <p>22 if I had to guess, I'd say at least 45 minutes or</p> <p>23 more.</p> <p>24 Q. How long were you in the house from the time</p> <p>25 the police officers came to the time they took you out</p>	<p style="text-align: right;">Page 28</p> <p>1 because I had asked them to actually uncuff me, they</p> <p>2 told me that I wasn't actually being restrained</p> <p>3 because they said my hands slipped out of the</p> <p>4 restraints. I don't know how they slipped out,</p> <p>5 because I was still being restrained until they took</p> <p>6 them off.</p> <p>7 One of the officers held up a baggy telling</p> <p>8 me that I had a bag of marijuana, which I told them I</p> <p>9 didn't, because I had just recently quit smoking, so I</p> <p>10 don't even smoke anymore. I told him, you know what,</p> <p>11 go ahead and charge me with it, when I get out of jail</p> <p>12 I'll just simply go to a lab and take a hair follicle,</p> <p>13 blood, and urine test.</p> <p>14 Q. Who held up the baggy?</p> <p>15 A. There were -- I don't know, the two officers</p> <p>16 that were in the squad car that drove me down there.</p> <p>17 Q. What did this officer look like?</p> <p>18 A. Brunette hair. I didn't even --</p> <p>19 Q. How old?</p> <p>20 A. They were young. They were young. I'd say</p> <p>21 they were probably late 20's, early 30's.</p> <p>22 Q. He had brown hair?</p> <p>23 A. I believe it was blonde hair, I think.</p> <p>24 Q. How tall, what was his build?</p> <p>25 A. Again, I wasn't looking to see how tall he</p>

Page 33	Page 35
<p>1 out of Minnesota, they didn't know how I had gotten  2 his number. I was getting pre-approved applications  3 during the trial for which I was in custody, basically  4 I was convicted for that.</p> <p>5 The unlawfully obtaining public assistance, they were trying to get me for -- to get me to plead  6 to the false representation, which was five years or  7 more. The wrongfully obtaining public assistance was  8 for a check that I had gotten, which I had told them  9 not to send me, because I had gotten a job. I was  10 working at Wendy's as an assistant manager, I was  11 actually working three jobs at that particular time.  12 I had passed out at one of my jobs and they told me I  13 needed a vacation. I took two weeks off and got a  14 limousine with my American Express number, because I  15 had done it before with the same company so they knew  16 my number. I got picked up in the limo one day and  17 they arrested me and they told me if I pled guilty to  18 the one charge, which had already been taken care of  19 because the Director of Economic Assistance, who I had  20 spoken to, made the woman give me the check back. She  21 had actually locked me in a room when I came to pick  22 up the check.</p> <p>23 BY MS. NELSON:</p> <p>24 Q. Why did you pick up the check?</p>	<p>1 MS. SULLIVAN: Was it Franklin?  2 A. -- the stadium. By the stadium, it used to  3 be over there. He walked me over there, through the  4 skyways, out the door of the building, across  5 kitty-corner, made the woman apologize to me and give  6 me --</p> <p>7 BY MS. NELSON:</p> <p>8 Q. Who is he?</p> <p>9 A. The Director of Economic Assistance at that  10 particular time. Made the woman apologize to me, I  11 could hear him yelling at her.</p> <p>12 Q. Do you know what his name was?</p> <p>13 A. I don't remember. I don't remember.</p> <p>14 MS. SULLIVAN: This was over 20 years  15 ago.</p> <p>16 A. Yeah. I don't even remember. But she came  17 back crying and telling me that she was going to get  18 back, actually she testified at trial. Said that I --  19 she said that she had never made the statement that  20 she was going to get back at me. I was found guilty  21 of that charge first.</p> <p>22 BY MS. NELSON:</p> <p>23 Q. Who found you guilty?</p> <p>24 A. That -- I actually had a jury trial, I was  25 found guilty by a jury trial. Then they had the other</p>
<p>1 A. She told me to. She called me up, she kept  2 calling me. I kept telling her I didn't need the  3 check. She said, "Well, you're entitled to it." I  4 said, "Fine, I'll come down there and pick it up,"  5 after probably about several calls. I picked up the  6 check. Actually didn't pick it up, she said she was  7 going to get it and she locked me in the room, which  8 if I knew what I knew now, I would have been able to  9 actually claim actually kidnapping because she had no  10 right to be locking me in a room.</p> <p>11 Q. Did she say why she was locking you in the  12 room?</p> <p>13 A. She didn't tell me she was locking me in the  14 room.</p> <p>15 Q. Did she ever say why?</p> <p>16 A. No, all I know is the Director walked me  17 back, it was after the actual Court -- the actual  18 appearance in front of Judge Oleisky he released me.  19 The following Monday I went down there to speak to the  20 Director and told him what had actually happened. The  21 Director walked me back to the office, which at that  22 time was over where the -- the old building where the  23 -- what was that building -- it was on the corner  24 where the unemployment office was. I don't remember  25 where it was, over down by --</p>	<p>1 trial for the American Express and I got found guilty  2 of that also. I was told in each trial by the  3 attorney I had, which presided over -- who actually  4 assisted me in both of the cases not to testify.  5 Actually I did testify in the one trial with the check  6 because I didn't see any reason why I should even be  7 there. I got the check back, they gave it to me. The  8 guy from -- the Director told me he was going to take  9 care of the actual charges, they were going to be  10 dropped. But they never were, because soon after I  11 got picked up for the false represent -- actually it  12 was theft at the time for the credit card and they  13 changed it to false representation and added five  14 years to it.</p> <p>15 Q. Did you serve any time for this?</p> <p>16 A. I served three months and three weeks and  17 then I sued American Express.</p> <p>18 Q. What was the outcome of that case?</p> <p>19 A. I won a \$25,000.00 judgment against them out  20 of Court, out of Court settlement, of which I don't  21 think I'm supposed to be talking about actually. So I  22 might be getting in trouble there.</p> <p>23 Q. So that case settled?</p> <p>24 A. Yes, out of Court.</p> <p>25 Q. What year was that in?</p>

	Page 41	Page 43
1	I said 1999, I meant 1994?	1 Q. Yeah.
2	A. Next one would probably be -- was for a	2 A. I didn't sue for anything for that. What it
3	shipment for software and -- no, I take that back, it	3 was was later on I was returning something.
4	would be the Sharper Image Corporation.	4 Q. Okay.
5	Q. What did that matter involve?	5 A. Okay, that was the reason why you asked me
6	A. The manager, who I had had a problem with	6 why he wouldn't let me return it and why he was upset
7	previously concerning a customer that he didn't like,	7 with me.
8	was refusing to take back a gift that my grandfather,	8 Q. Okay.
9	my late grandfather, had purchased for me.	9 A. That's the reason why he was upset with me.
10	Q. Why were they refusing to take that gift	10 Q. And what did he say was the reason though?
11	back?	11 A. For?
12	A. Because they said I had actually used it and	12 Q. For not returning it?
13	it was defective and they didn't want to take it back.	13 A. Basically I had opened it and used it.
14	The manager didn't like me to begin with.	14 Q. Okay and what was the next time then that
15	Q. Why didn't the manager like you?	15 you sued somebody?
16	A. We had a confrontation concerning a customer	16 A. I think I filed a case against Kodak.
17	who had come in, an African American gentleman, who	17 Q. What year would that have been in?
18	wanted to get on the massaging table. At that time	18 A. '90, God, I don't remember, I believe that
19	they had a store that used to be in the building that	19 would have been in '97-'98, something like that.
20	-- The Conservatory, that Target is in.	20 Q. What did that involve?
21	Q. Were you an employee at that store?	21 A. It was for a camera that I had purchased and
22	A. No, I was a customer, --	22 it wasn't working properly and I had sent it back and
23	Q. And you had a confrontation --	23 they had lost it. They had agreed to replace it and
24	A. -- a frequent customer. Yeah, he didn't	24 they never replaced it. They finally, after I filed
25	want the employee to get on the massaging mattress and	25 suit, replaced it and the camera came broken. So I
	Page 42	Page 44
1	I had told him that I've gotten on the mattress, he	1 filed, after filing the suit, they decided, well, they
2	didn't have a problem with me, because I was a -- I	2 were going to take care of it and it was actually, I
3	bought many things in the store. He decided, well, he	3 believe, the outcome was it was settled. I believe
4	was going to call the police on both me and the actual	4 that's what it was, it was just actually settled and I
5	customer in question. He was kind of surprised when a	5 had to go back and sign the bottom of the Court paper
6	salt and pepper team came up with the police	6 to show that it was settled.
7	department, a Caucasian and an African American	7 Q. What Court was that in?
8	gentleman, police officers, and they agreed with me.	8 A. That was also Conciliation Court.
9	Told him that there was nothing they were going to do	9 Q. In Minneapolis?
10	about it. Ever since then I had had a problem with	10 A. Yes.
11	him everytime I wanted to return something to the	11 Q. So that case settled?
12	store that I had purchased. And went to Court on that	12 A. Uh-huh.
13	and I actually won.	13 Q. Before it went to trial?
14	Q. What Court was that in?	14 A. Uh-huh.
15	A. Minneapolis Conciliation Court.	15 Q. What was the next time?
16	Q. And the next time you sued somebody?	16 A. Sharper Image again.
17	A. Let's see.	17 Q. What year would that have been in?
18	Q. You know, let me go back, were you there at	18 A. That would have been 2000, I think.
19	that time returning something and you were refused or	19 Q. What did that case involve?
20	was that?	20 A. A Yoda statue.
21	A. No, at that time I was actually -- I was	21 Q. What did you sue for?
22	actually looking for -- actually I was looking for a	22 A. It's a statue, it's a Yoda statue. The
23	wizard, they didn't have it in stock.	23 statue was -- it was fading and one of the eyeballs
24	Q. And so what did you sue for?	24 had come out of it. I sent it back to the
25	A. The incident with the guy?	25 manufacturer and the manufacturer sent me not a studio

	Page 49	Page 51
1	information.	1 A. I think the last case I had was with Fuji
2	BY MS. NELSON:	2 Corporation.
3	Q. Was the money ever taken out of your	3 Q. And where did you sue, in what Court?
4	account?	4 A. Conciliation Court.
5	A. Actually I paid for it with cash to the	5 Q. In Minneapolis?
6	bank, because the agreement was that she was going to	6 A. Yes.
7	send it out to me by overnight, so I would get it for	7 Q. What year would that have been?
8	Saturday's delivery.	8 A. That would have been recently, in 2003.
9	Q. The computer?	9 Q. What did you sue Fuji for?
10	A. The computer.	10 A. I had a digital camera that I had sent back
11	Q. And it wasn't -- it didn't require a	11 to them. Actually I had a digital camera that I had
12	signature?	12 purchased and I had also purchased several memory
13	A. It did require a signature. As a matter of	13 cards. The memory cards were mis-packaged, which I
14	fact, it was even marked adult signature required,	14 had first sent those back, and they replaced them.
15	because I live in the hood and I tell everybody that,	15 Q. How were they mis-packaged?
16	make sure everything is marked adult signature	16 A. They, if I remember correctly, it was
17	required so that I actually have to sign for it. As a	17 supposed to be a 256 memory card and the actual card
18	matter of fact, I have a regular driver from FedEx.	18 in there was a 16 megabyte instead of a 256 megabyte.
19	Q. And that driver just left it?	19 Q. Okay.
20	A. Actually I didn't have a regular driver back	20 A. They made several attempts to get me the
21	then.	21 card and finally they had to send me the card and for
22	Q. But that driver just left it at your door?	22 the trouble they sent me a card reader. Then the
23	A. He left it at my door.	23 camera went out, so I sent the card -- cards back and
24	Q. What Court did you sue that in?	24 the camera. And they lost both the cards and the
25	A. That would have been in Conciliation Court.	25 camera and at that time --
	Page 50	Page 52
1	Q. What was the resolution of that?	1 Q. You sent it in the mail?
2	A. Actually I lost.	2 A. I sent it via -- I don't remember which
3	Q. And did anything --	3 carrier I sent it, I think I sent it -- it was either
4	A. Actually I lost the case, but they wound up	4 certified mail or Airborne or something like that.
5	paying me anyways because I had spoken to one of their	5 Q. Would that have been United States Postal
6	executives about the situation. Because what happened	6 Service?
7	was the woman claimed she gave me back the cash for	7 A. Yes.
8	the refund.	8 Q. And they never received it?
9	Q. Do you know who you spoke to?	9 A. They received it, they admitted they
10	A. I don't remember the woman's name.	10 received it. But they lost it. Evidently I had
11	Q. It was a woman at Wells Fargo?	11 several things from the Internet where they had lost
12	A. Yes, it was -- she was a manager at the	12 other cameras also.
13	time. They claim to be VP's, but they're managers of	13 Q. Other cameras of yours?
14	a branch.	14 A. No, other people.
15	Q. Which branch was it?	15 Q. And what was the resolution of that case?
16	A. The branch on 30th and Nicollet.	16 A. Actually I won in Conciliation Court.
17	Q. Okay.	17 Q. What did you win?
18	A. She was supposed to give me back a refund,	18 A. Actually nothing because they appealed it.
19	but then she told me that the wire transfer had gone	19 Q. And then what happened?
20	through that -- earlier that morning. And she gave me	20 A. Judge Oleisky in that particular case ruled
21	back a refund for the price of the wire transfer and	21 against me stating that I needed more than just a
22	then I was supposed to go back to Mac Warehouse to get	22 receipt to prove my case, which I don't agree with,
23	my money back. And I never got my money back from Mac	23 but I couldn't get an attorney to actually go for a
24	Warehouse because they claim they never received it.	24 case that was merely \$800.00. He said I needed an
25	Q. What was the next time you sued?	25 attorney to actually -- and that I should appeal the

	Page 57	Page 59
1	Q. Were you cold?	1 every loud noise. From this day, they still talk
2	A. Yes.	2 about how they're going to call the police and things
3	Q. Did you have on a jacket of any kind while	3 of this nature, which they never did before. They
4	this was going on?	4 never spoke in that term about that. They're -- I
5	A. I believe what I had was a -- a light, long	5 know Hesikai is afraid whenever they mention anything
6	sleeved sort of, I don't know how to describe it, it	6 about police --
7	was a button up, three button up long sleeved shirt	7 Q. And Hesikai --
8	with a pair of, actually, sweat pants.	8 A. -- or he sees it on the news or something,
9	Q. Were you dressed, would you say, that was	9 --
10	proper attire to be outside in below zero weather?	10 Q. -- right, --
11	A. No.	11 A. -- Hesikai is my infant nephew. I believe
12	Q. I want to talk a little bit about the kids	12 he's actually, well, I shouldn't say infant, he's
13	who were in the area at the time this was going on.	13 actually two now, I think.
14	You started describing what they were wearing, was it,	14 Q. -- but at the time he was the baby --
15	is it safe to say that it was probably bedtime?	15 A. Yes, --
16	A. Yes.	16 Q. -- that you were talking about?
17	Q. And so were they basically wearing --	17 A. -- one of the babies.
18	A. It was late evening. I know most everybody	18 Q. Just a couple more questions about the way
19	in our house goes to bed at close to 10:00, maybe a	19 they behaved at that incident. Did their behavior put
20	little bit after, after the news.	20 you in fear that you were going to be touched
21	Q. -- okay, --	21 offensively, before you had been touched did you fear
22	A. I used to stay up a little bit longer on the	22 that you would be touched offensively?
23	computer or something.	23 A. Yes, my main fear was the fact that they
24	Q. -- okay, so they were probably basically	24 were actually going to wind up hurting somebody in the
25	wearing bedtime attire?	25 house, because all it took was one of those kids
	Page 58	Page 60
1	A. Yes.	1 getting up and running. Because the way that they
2	Q. At the time when the officer that you	2 were acting, they were not only just abusive, but they
3	described putting his finger in your forehead and	3 were -- they were agitated.
4	saying to you that he should put a bullet in your	4 Q. Okay.
5	head, at the time that happened, how did that make you	5 A. They were -- I don't think they were
6	feel?	6 actually thinking clearly about what they were
7	A. I was mad. I wanted to grab him and	7 actually doing. I think if anybody had gotten up and
8	actually break his finger.	8 made a false move, I think they would actually maybe
9	Q. Okay, but you didn't?	9 have shot someone.
10	A. But I didn't, --	10 Q. So you were concerned about harm coming to
11	Q. And --	11 yourself and the others in the home?
12	A. -- nor could I.	12 A. Yes. And also my father, because of his
13	Q. Okay, any other feelings at the time?	13 shunt. I believe he was actually bleeding from the
14	A. Again I don't actually let my feelings be	14 shunt at that particular time.
15	known, but I was scared. Maybe a little hurt.	15 Q. Had he been bleeding before the police
16	Actually up until that time I actually trusted the	16 arrived?
17	police, actually.	17 A. No.
18	Q. What about now?	18 Q. Did you consent to be touched by any of the
19	A. Actually, I'm not too fond of them.	19 officers?
20	Q. Would you say you trust them now?	20 A. Most definitely not.
21	A. No.	21 Q. Were you convicted of anything as a result
22	Q. You talked about the impact it had on some	22 of the January 13th, 2005, incident?
23	of the children that were there, can you explain that	23 A. No.
24	a little more?	24 Q. Okay.
25	A. After the incident they used to jump at	25 A. Quite the contrary.

Page 65	Page 67
1 then you were talking to them and they pulled you up?	1 THE WITNESS: Two classes.
2 A. I was yelling about actually getting their	2 MS. SULLIVAN: -- fairly recently?
3 field sergeant. They were talking about the search	3 THE WITNESS: Yes.
4 warrant, where they took me back up forcibly again.	4 MS. SULLIVAN: Okay.
5 Q. Where did they touch you when they picked	5 THE WITNESS: Well, it was fairly
6 you up?	6 recently from -- well, the University of Minnesota was
7 A. Back, shoulders. Like I said, there was	7 back when I was for the charge of the American
8 more than one hand at the time. Back of the head.	8 Express.
9 Especially when I was being so-called disrespectful to	9 MS. SULLIVAN: Okay, but it was several
10 the officers, when my hair was being pulled, when I	10 years after?
11 was actually tell them about my -- telling my father	11 THE WITNESS: Yes.
12 about actually having the right to see the search	12 BY MS. NELSON:
13 warrant and what to tell them. Tell them that I'm	13 Q. So that was within the last ten years?
14 your proxy, your power of attorney and that I have the	14 A. That would have been back in '84.
15 right to see it --	15 Q. '84 that you went to the U of M?
16 Q. Where did you --	16 A. Yes.
17 A. -- by his permission.	17 Q. And you had gone to two actual physical
18 Q. -- learn that from?	18 classes or you had two --
19 A. Pardon me?	19 A. I went to two actual -- I don't think you'd
20 Q. Where did you learn that from?	20 consider the one a class, I think it was an actual
21 A. Actually, I've had a year of prelaw at the	21 orientation.
22 University of Minnesota before I was actually arrested	22 Q. Okay and from going to the orientation you
23 the first time for the American Express, I was	23 learned what you would be able to --
24 actually going to school at the University.	24 A. Well, no, because obviously you had -- well,
25 Q. Oh, you were?	25 actually I've read legal text before, so I would have
Page 66	Page 68
1 A. Yeah, I was.	1 gotten that from legal text that I've actually read.
2 Q. Oh, okay, you didn't mention that before.	2 I've read legal text before I even went to the
3 A. You didn't ask.	3 University of Minnesota for the two classes.
4 Q. Oh, I asked if you went to college, you said	4 Actually, I never actually physically went to a whole
5 no.	5 semester of class, that's the whole point, I got
6 A. Oh, well, I never finished. I went to Brown	6 arrested for the -- for the American Express and was
7 Institute --	7 not allowed to go back.
8 Q. And then you were kicked out?	8 Q. Have you gone to any other college?
9 A. Yeah, I was kicked out.	9 A. No.
10 Q. And then did you go to the U of M before	10 Q. Ever?
11 that or after that?	11 A. No.
12 A. Actually that would have been actually	12 Q. Have you enrolled in any other college?
13 enrollment into the actual course, that actually -- I	13 A. No.
14 think I probably went there for probably like around	14 Q. Ever?
15 two classes before I actually got picked up for the	15 A. No, just Brown Institute and the class --
16 American Express.	16 Q. Have you had any other vocational training?
17 MS. SULLIVAN: Let's clarify, because	17 A. No.
18 the Brown Institute was immediately after high school?	18 Q. Okay. So they pick you up, with how much
19 THE WITNESS: Yes.	19 force would you say they picked you up?
20 MS. SULLIVAN: And the University of	20 A. It would be forcibly, very forceful.
21 Minnesota?	21 Extremely forceful, like being yanked, like this, if I
22 THE WITNESS: And I went to Brown	22 were to grab you and actually pull you up. Like -- I
23 Institute for several months.	23 can't describe it for the court stenographer, but it
24 MS. SULLIVAN: And the University of	24 was just them pulling me up forcibly, not allowing me
25 Minnesota was --	25 to actually get up on my own power. (Indicating.)

	Page 73	Page 75
1	A. The doorway comes straight down, then	1 then slammed me onto the door, which is a door frame.
2	there's a door to the kitchen that comes from the door	2 And they were holding me there, again pushing my head
3	past the living room and over into the kitchen. So	3 into the wall and the door facing, along with my body.
4	that's like a small little hallway about six feet from	4 And then again opening the door while I'm still there,
5	the door, six-seven feet in length -- (Indicating.)	5 hitting me once again with the door.
6	Q. -- they're grasping you physically with	6 Q. Where did they hit you on your person with
7	their hands?	7 the door?
8	A. -- yes, --	8 A. That would be chest, front part, side of the
9	Q. And then they shove you down?	9 face. And then they took me out of the house.
10	A. -- they actually turn me --	10 (Indicating.)
11	Q. They turn you?	11 Q. Did you sustain any bruising from the
12	A. -- they grab me from my head --	12 slamming down or into the door?
13	MS. SULLIVAN: Excuse me, I'm sorry,	13 A. I would have had some bruises to my knees,
14	Ms. Nelson, it seems like you keep cutting him off	14 if I remember correctly. And I think I probably had
15	when he's trying to answer, it seems like you keep	15 light bruises here, under my chest area right here.
16	interjecting or asking additional questions. If you	16 And that was it other than my shoulder being sore
17	could please not do that, that would be greatly	17 again from them putting my arms from behind my back.
18	appreciated.	18 (Indicating.)
19	MS. NELSON: I'm just trying to get him	19 Q. How long was your shoulder sore after the
20	to answer the question, --	20 incident?
21	MS. SULLIVAN: Okay, well --	21 A. Oh, at least, in fact, I think my shoulder
22	MS. NELSON: -- rather than the long	22 was still sore when I saw the attorney in the office,
23	narrative on something other than what I was referring	23 actually it was still sore.
24	to --	24 Q. What attorney in the office?
25	MS. SULLIVAN: -- uh-huh, --	25 A. My attorneys.
	Page 74	Page 76
1	MS. NELSON: -- because we've kind of	1 Q. The attorneys that are present here?
2	gone over --	2 A. Yes.
3	MS. SULLIVAN: -- uh-huh, --	3 Q. Thank you. And the bruising that went away,
4	MS. NELSON: -- what he's said, --	4 how long did it take for that to go away?
5	MS. SULLIVAN: -- okay, but --	5 A. Actually I didn't pay much attention to it,
6	MS. NELSON: -- I will try not to do	6 so I didn't actually see when they actually went away.
7	that.	7 I'm sure they did. I know it was longer than a day,
8	MS. SULLIVAN: -- if you would try not	8 it was longer than a week.
9	to do that, that would be great.	9 Q. You testified that you used to trust the
10	BY MS. NELSON:	10 police but now you're not too fond of them, what do
11	Q. Okay, so they grab you physically with their	11 you mean by that?
12	hands, they turn you around?	12 A. Basically my faith in the police are gone.
13	A. They're turning me as I'm on my knees around	13 I know that I'm different. I'm not someone who has
14	towards the door and then slamming me down in front of	14 the right to walk down the street. I feel that I
15	the door.	15 don't have simple rights anymore. That basically I'm
16	Q. And where did you land on your person?	16 black and I should know my place, that's why I don't
17	A. Flat on my front torso and my knees were	17 trust them. Where I never felt that way before.
18	being pulled out from under me by the end of my feet.	18 Q. You testified that --
19	Q. Someone had grabbed your feet?	19 A. I know that I'm black, but -- but I'm a
20	A. Yes, I'm on my knees, so they're	20 different class. And that's the way that they made it
21	straightening out my legs.	21 seem that I should actually feel.
22	Q. And then at some point they pull you back up	22 Q. And before this incident you didn't feel
23	again or did you get up on your own?	23 that way about the police?
24	A. No, they had mentioned to get me out of	24 A. No. I never felt anyway about that at all
25	there, I heard someone say. And they picked me up and	25 about anybody.

6	Page 81	Page 83
1	up 'til 6:00 in the morning. Actually, no, probably	1 computer. They threw memory cards, carbon memory
2	like around 5:30, I took a half hour nap, and I	2 cards onto the floor, most of them were broken.
3	haven't been to sleep since.	3 Q. What would they be memory cards for?
4	Q. Okay and who are the kids that you're	4 A. Memory cards for chips, memory chips, for
5	getting ready for school?	5 the Newton MessagePad.
6	A. That would be -- it went out of my head --	6 Q. Okay.
7	Charlie.	7 A. They damaged the computer.
8	Q. Charlie, how old is Charlie?	8 Q. How did they damage it?
9	A. I think he's -- is he five, six, something	9 A. They yanked out cords from the computer.
10	like that.	10 Q. Okay.
11	Q. What grade is he in?	11 A. I don't know if they were yanking out cords
12	A. I think he's in first grade.	12 deliberately or if they were kicking the cords around.
13	Q. And he lives with you?	13 Q. Did they yank it out from the wall or from
14	A. No.	14 the back of the computer?
15	Q. He comes over in the morning?	15 A. Actually, the cords are on the floor in
16	A. He gets -- his mother drops him off in the	16 several strips, surge protectors. The USB cords are
17	morning along with the baby.	17 to actual components. They broke a hard drive also.
18	Q. Along with the baby and then does the baby	18 Q. Where did they pull the cords out, from the
19	stay with you during the day?	19 back of the electronic equipment or from the surge
20	A. With my mother.	20 protector?
21	Q. Okay.	21 A. Both. Power cords, USB cords.
22	A. And my father.	22 Q. They're ripped out of the electronic
23	Q. Have you sought any medical treatment for	23 equipment?
24	your sleeping problems?	24 A. Yes.
25	A. I really wouldn't have the money to do that,	25 Q. Okay.
Page 82		Page 84
1	so again, I have to deal with it in my own way.	1 A. The hard drive they had thrown down and
2	Q. So you have not sought medical --	2 broken. As a matter of fact, I still have it. The
3	A. I have --	3 Newton MessagePad I still have. All the cards I still
4	Q. -- treatment for that?	4 have.
5	A. -- not. I wouldn't have the means to	5 Q. Do they still work?
6	actually do something like that.	6 A. No. As a matter of fact, the Newton
7	Q. Did you testify that you've been tearing up	7 MessagePad has a hole in the side of it.
8	your own stuff and breaking your computer or was that	8 Q. What kind of a hole?
9	--	9 A. There is a battery compartment in the bottom
10	A. That was them.	10 of it, for some reason they decided to, I don't know
11	Q. Okay.	11 if they pulled out the battery or it happened when
12	A. As a matter of fact, I have a recording of	12 they dropped it, but it has a hole in the side of it
13	what they did to the basement.	13 where the battery fits in the bottom.
14	Q. What do you mean you have a recording?	14 Q. Anything else?
15	A. I have a recording of their actual tearing	15 A. The web cam, they yanked out. There's just
16	up of my room. The mess that they had made, the	16 too many things to actually -- there's a whole list of
17	broken equipment.	17 things, I would have to go back and grab everything
18	Q. Would that be a video or would that be --	18 out. I have everything in a drawer and in a box of
19	A. Video.	19 what they actually damaged.
20	Q. -- a video, okay. What did they break up?	20 Q. Okay.
21	A. They broke a Newton MessagePad.	21 A. But namely the cords, the computer hard
22	Q. Okay.	22 drive and the Newton MessagePad, and the cards and the
23	A. A web cam.	23 web cam.
24	Q. Okay.	24 Q. You stated that your father was bleeding
25	A. They pulled out several cords from the	25 from the shunt, how much blood?

	Page 89
1	(UPON COMPLETION forward this original Reading and 1 Signing Certificate to Attorney Tracey Nelson, who
2	2 already has the sealed original.)
3	
4	4 I, TIMOTHY B. COOK, do hereby certify that I
5	5 have read the foregoing transcript of my Deposition
6	6 and believe the same to be true and correct (or,
7	7 except as follows, noting the page and the line number
8	8 of the change or addition desired and the reason why):
9	9 Page Line Change or Addition Reason
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	Dated this _____ day of _____, 2007
25	BAL
	Page 90
1	1 STATE OF MINNESOTA ) 2 ) SS. 2 COUNTY OF HENNEPIN )
3	3 Be it known that I took the deposition of 4 TIMOTHY B. COOK, on the 5th day of March, 2007, at 4 Minneapolis, Minnesota;
5	5 That I was then and there a Notary Public in and for the County of Hennepin, State of Minnesota, 6 and that by virtue thereof, I was duly authorized to administer an oath;
7	7 That the Witness before testifying was by me 8 first duly sworn to testify to the whole truth and nothing but the truth relative to said cause;
9	9 That the testimony of said Witness was
10	10 recorded in Stenotype by myself and transcribed into typewriting under my direction, and that the
11	11 deposition is a true record of the testimony given by the Witness to the best of my ability;
12	12 That the cost of the original transcript has
13	13 been charged to the party noticing the deposition, unless otherwise agreed upon by Counsel, and that
14	14 copies have been made available to all parties at the same cost, unless otherwise agreed upon by Counsel;
15	15 That I am not related to any of the parties 16 hereto nor interested in the outcome of the action;
17	17 That the reading and signing of the deposition by the Witness was executed as evidenced by 18 the preceding page;
19	19 WITNESS MY HAND AND SEAL this 8th day of March, 2007.
20	
21	21 Barbara A. Larsen 22 Court Reporter
23	
24	
25	